

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/713,917
Filed: April 8, 2003
Group Art Unit: 3763
Examiner: Laura Bouchelle
Applicant: Joseph P. McGurk
Title: **SAFETY NEEDLE AND CATHETER ASSEMBLY**
Attorney Docket: MDXVA-21US (formerly END-875)
Confirmation No.: 4436

DECLARATION OF JOSEPH P. MCGURK
UNDER 37 CFR ' 1.131

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

I, Joseph P. McGurk, hereby declare and state:

1. Prior to March 4, 2003, I prepared an invention disclosure of my invention.

The invention included a needle for a catheter insertion device where there is a bend in the needle between the proximal and distal ends of the needle but not in the bevel of the needle such that the proximal portion and the portion after the bend are parallel but not on the same axis. In another aspect, a sleeve may be placed between the proximal portion and the bend of the needle. The invention disclosure was submitted to the law department of my employer, Ethicon Endo-Surgery, Inc., prior to March 27, 2003. Attached as Exhibit A, with names, signatures and dates redacted, is a drawing from my invention disclosure which I drew and prepared, signed, and had witnessed, prior to March 27, 2003.

2. Under cover of an interoffice mailing dated March 4, 2003, I was provided with a draft of the patent application of my invention. A copy of the cover is attached as Exhibit

B. As can be seen from Exhibit B, it was sent from Kimberly Moses on behalf of Mr. Dean L. Garner. My understanding is that Mr. Garner is the Patent Attorney in the Law Department and Kimberly Moses is his assistant. I received the cover and draft application some time thereafter.

3. In the ordinary course of my duties, and taking into account other work responsibilities at the time, I acted diligently to review the draft application preparatory to filing thereof with the U.S. Patent and Trademark Office.

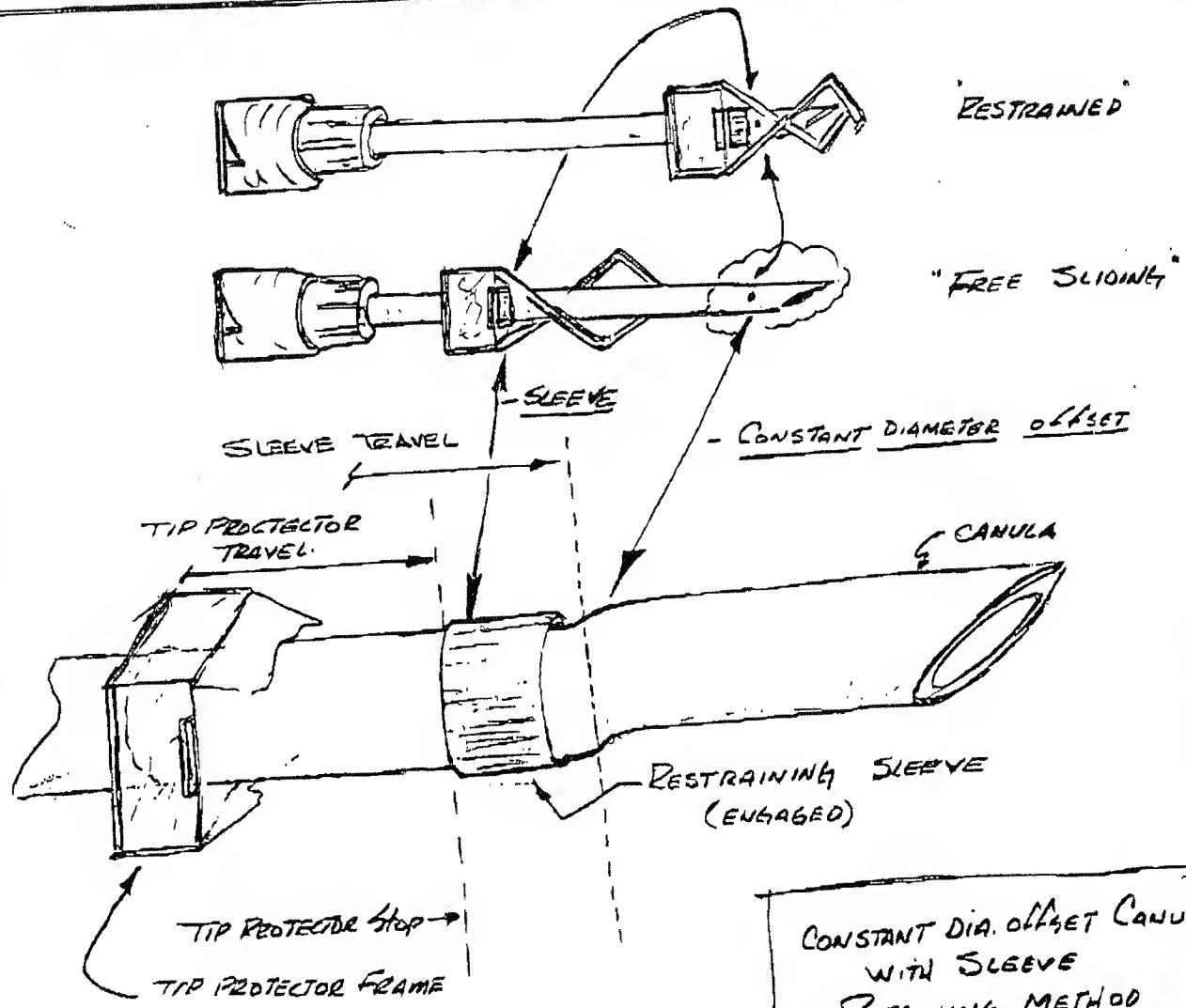
4. And on April 7, 2003, I provided Ms. Moses my personal information for purposes of the filing. A copy of the email is attached as Exhibit C. I understand that the patent application was filed the following day on April 8, 2003.

5. The statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; further, these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: July 26, 2006

By: Joseph P. McGurk
Joseph P. McGurk

Drawing of Invention
All handwritten drawings are to be submitted in Ink



CONSTANT Dia. OFFSET CANULA
WITH SLEEVE
RETTAINING METHOD

EXHIBIT

A

ALL-STATE LEGAL

Inventor/Co-Inventor
Signature:

Date

Inventor/Co-Inventor
Signature:

Date

Inventor/Co-Inventor
Signature:

Date

Inventor/Co-Inventor Print Name:

Date

Signature:

Witness

Signature



ETHICON ENDO-SURGERY, INC.

a Johnson & Johnson company

4545 CREEK ROAD
CINCINNATI, OH 45242-2839

Date: March 4, 2003

To: Joseph McGurk
From: Kimberly Moses on behalf of Dean L. Garner
Subject: U.S. Patent Application for END-875 "Safety Needle And Catheter Assembly"

Joe,

Attached you will find a draft copy of the above referenced patent application. Please review the draft to make sure it is complete, accurate and sets forth the best mode you know of for carrying out the invention. The detail in the application should be in sufficient detail to enable one skilled in this art to practice the invention. You should make no assumption that any of the statements in the application are accurate and should correct any errors.

Lastly, please keep in mind that you have a duty to disclose to me any information you are aware of that is material to the examination of the application. This includes, but is not limited to, any published information, such as prior patents technical journals etc., any similar publicly available products, and any public use of your invention, outside of Johnson & Johnson.

Please contact Dean L. Garner at 1-513-337-8559, if you have any changes. **Lastly, do not keep any copies of this application, return all copies to me.**

Cc: Hilary Reinhardt

Thank you,

Kimberly Moses
1-513-337-7019

EXHIBIT

B

ALL STATE LEGAL®

Moses, Kimberly [EESUS]

From: McGurk, Joseph P. [EESUS]
Sent: Monday, April 07, 2003 10:26 AM
To: Moses, Kimberly [EESUS]
Subject: Personal Information - J P McGurk

Joseph P. McGurk
5806 West Fountain Circle
Mason, Ohio 45040
Citizenship - United States of America

